

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE: FORD MOTOR CO. F-150 AND
RANGER TRUCK FUEL ECONOMY
MARKETING AND SALES PRACTICES
LITIGATION

Case No. 19-md-02901

Sean F. Cox
United States District Court Judge

**ORDER APPOINTING E. POWELL MILLER OF THE MILLER LAW FIRM AS
INTERIM LEAD COUNSEL FOR PLAINTIFFS**

Pursuant to Rule 23 of the Federal Rules of Civil Procedure, this Court may designate interim counsel to act on behalf of the putative class before determining whether to certify the action as a class action. FED. R. CIV. P. 23(g)(2).

The following motions contain requests for appointment of Interim Lead Counsel for Plaintiffs:

- ECF No. 44: Motion by Sommers Schwartz for Appointment of Interim Lead Class Counsel;
- ECF No. 45: Motion for Appointment of Paul F. Novak of Weitz & Luxenberg, P.C. as Interim Lead Counsel for Plaintiffs and the Proposed Class and for Appointment of a Plaintiffs' Executive Committee;
- ECF No. 46: Motion by Fink Bressack and Freed Kanner London & Millen LLC for Appointment of David H. Fink and Steven A. Kanner as Interim Co-Lead Counsel;
- ECF No. 47: Motion for Appointment of E. Powell Miller of the Miller Law Firm, P.C. as Interim Lead Counsel;
- ECF No. 48: Dicello Levitt Gutzler LLC's Motion for Appointment of Interim Lead Counsel;
- ECF No. 49: Motion for Appointment of Interim Lead Counsel (filed by Attorney Jonathan Boggs);
- ECF No. 50: Motion for Appointment of Interim Lead Counsel (filed by Attorney W. Daniel Miles, III);
- ECF No. 51: Motion for Appointment of David S. Stellings of Lief, Cabraser, Heimann &

Bernstein, LLP, as Interim Lead Counsel;

- ECF No. 52: Rodger Young and Lynn Sarko's Motion for the Appointment of Interim Co-Lead or Lead Counsel; and,
- ECF No. 53: Plaintiffs' Motion to Appoint Interim Co-Lead Class Counsel Pursuant to Fed. R. Civ. P. 23(g)¹;

The Court finds that the issues have been adequately presented in the parties' briefs and other written submissions and that oral argument would not significantly aid the decisional process. *See* Local Rule 7.1(f)(2), U.S. District Court, Eastern District of Michigan. The Court therefore orders that the motions will be decided without oral argument.

After careful consideration of the above motions, their supporting briefs, and exhibits to same, this Court hereby **GRANTS** E. Powell Miller's motion (ECF No. 47) seeking appointment as Interim Lead Counsel for Plaintiffs. The Court concludes that E. Powell Miller with the Miller Law Firm is the applicant best able to represent the interests of the putative class based upon: E. Powell Miller and the Miller Law Firm's prior experience in handling class actions and other complex litigation, counsel's knowledge of the applicable law, the work that E. Powell Miller and the Miller Law Firm have done in identifying and investigating the potential claims in this action, and the resources that counsel will commit to representing the putative class.

The Court also notes that half of the motions it reviewed explicitly recognized E. Powell Miller's qualifications and fitness for the position of interim counsel. (ECF Nos. 47, 48, 49, and 50) (moving for the appointment of Mr. Miller as either lead or co-lead counsel); (ECF No. 53, PageID 742) (recognizing Mr. Miller's "substantial experience and skill").

The Court **ORDERS** that **E. POWELL MILLER** and **THE MILLER LAW FIRM** are

¹Attorney Steve Berman filed a "corrected" version of this motion on November 21, 2019 (ECF No. 54).

hereby **APPOINTED AS INTERIM LEAD COUNSEL**, and **LIAISON COUNSEL, FOR PLAINTIFFS**. All other requests for appointment of Interim Lead Counsel, or Interim Co-Lead Counsel, are hereby **DENIED**.

Several of the above motions also suggest the appointment of attorneys to a Plaintiffs' Executive Steering Committee. The Court declines to decide the appropriateness of such a committee at this time, and the pending motions are **DENIED WITHOUT PREJUDICE** to the extent any seeks such an appointment. These requests may be re-raised in the future, if the circumstances indicate that an Executive Steering Committee is appropriate.

Finally, the Court **ORDERS** Interim Class Counsel E. Powell Miller to meet and confer with defense counsel regarding a Joint Proposed Case Management Order before the December 16, 2019 status conference.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: November 22, 2019